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General Assembly
Fifty-seventh session
Agenda items 37, 49 and 160

Security Council
Fifty-eighth year

The situation in Afghanistan and its implications for international peace and security

Consequences of the Iraqi occupation of and aggression against Kuwait

Measures to eliminate international terrorism

Letter dated 1 May 2003 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

In my capacity as the representative of the country which currently chairs the Collective Security Treaty Organization, I have the honour to transmit to you the statement of the Heads of State of the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan of 28 April 2003 (see annex).

I would be grateful if the text of the present letter and its annex could be distributed as a document of the General Assembly, under agenda items 37, 49 and 160, and of the Security Council.

(*Signed*) Rashid **Alimov**
Ambassdor
Permanent Representative of the Republic of Tajikistan
to the United Nations

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Annex to the letter dated 1 May 2003 from the Permanent Representative of Tajikistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Statement of the Heads of State of the Republic of Armenia, the Republic of Belarus, the Republic of Kazakhstan, the Kyrgyz Republic, the Russian Federation and the Republic of Tajikistan

We, the heads of the States parties to the Collective Security Treaty, confirm our commitment to the tasks of guaranteeing collectively the security of our States.

In conformity with the aims and principles enshrined in the Collective Security Treaty and the Charter of the Collective Security Treaty Organization (CSTO), we shall continue to take action to strengthen the defence component of the Treaty Organization, primarily by developing overall and regional collective-security systems and by intensifying military and political cooperation within the CSTO.

Our States attach particular importance to developing and strengthening collaboration, with the aim of countering collectively new threats and challenges, especially international terrorism. The States parties to the Collective Security Treaty were among the first to have direct experience of the threat of terrorism and to alert the international community to the need to resist that evil collectively.

In establishing the Collective Security Treaty Organization, we intend to contribute substantially to strengthening the anti-terrorism coalition and regional and international security, on the basis of the universally accepted norms and principles of international law, under the leadership and coordination of the United Nations.

On the basis of these positions, we believe there is a need to coordinate and harmonize closely action by the international community to find a final solution to the Afghan crisis and to bring about post-conflict development in Afghanistan. We also support solving the Iraq problem under the auspices of the United Nations and express our readiness to take an active part in implementing a programme of humanitarian aid and reconstruction for the country.

Our strategic choice is in favour of a just and democratic world order which guarantees security and stability for the development of all States. Focusing on achieving this objective, we are expanding all the activities of the Collective Security Treaty Organization, fully exploiting its potential for coordinated action in foreign policy, security and defence.

Dushanbe, 28 April 2003

United Nations A/57/806

General Assembly

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Fifty-seventh session
Agenda item 109 (b)

Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Third Committee

Rapporteur: Ms. Oksana **Boiko** (Ukraine)

I. Introduction

1. The previous recommendations made by the Third Committee to the General Assembly under agenda item 109 (b) appear in the report of the Committee contained in document A/57/556/Add.2 and corrigenda.

2. At its 61st meeting, on 1 May 2003, upon the proposal of the Chairman, the Third Committee decided to reopen its consideration of the sub-item.

3. The Committee resumed its consideration of the sub-item at its 61st and 62nd meetings, on 1 and 2 May 2003. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/57/SR.61 and 62).

4. For its consideration of the sub-item, the Committee had before it the report of the Secretary-General on Khmer Rouge trials (A/57/769).

5. At the 61st meeting, on 1 May, a statement was made by the Under-Secretary-General for Legal Affairs, the Legal Counsel (see A/C.3/57/SR.61).

II. Consideration of draft resolution A/C.3/57/L.90

6. At the 61st meeting, on 1 May, the representative of Japan, on behalf of Australia, Cambodia, France, India, Japan, the Lao People's Democratic Republic, the Republic of Korea and the Russian Federation, introduced a draft resolution entitled "Khmer Rouge trials" (A/C.3/57/L.90). Subsequently, Brunei Darussalam, El Salvador, Greece, Indonesia, Malaysia, Portugal, Senegal and Timor-Leste joined in sponsoring the draft resolution.

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7. The Committee had before it a statement of the programme budget implications of the draft resolution submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.3/57/L.91).

8. At its 62nd meeting, on 2 May, the Committee adopted draft resolution A/C.3/57/L.90 without a vote (see para. 10).

9. Before the adoption of the draft resolution, statements were made by the representatives of the United States of America, the United Kingdom of Great Britain and Northern Ireland and Indonesia; after the adoption of the draft resolution, statements were made by the representatives of the Netherlands, Ireland, Liechtenstein, Sweden (on behalf also of Denmark, Finland, Ireland and Norway), Switzerland, Germany, Mexico, Cambodia, Japan and France (see A/C.3/57/SR.62).

III. Recommendation of the Third Committee

10. The Third Committee recommends to the General Assembly the adoption of the following draft resolution:

Khmer Rouge trials

The General Assembly,

Recalling its resolution 57/228 of 18 December 2002,

Welcoming the efforts of the Secretary-General and the Royal Government of Cambodia to conclude the negotiation of the draft agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea contained in the annex to the present resolution,

Taking note of the report of the Secretary-General on Khmer Rouge trials,[1]

1. *Approves* the draft agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea contained in the annex to the present resolution;

2. *Urges* the Secretary-General and the Royal Government of Cambodia to take all the measures necessary to allow the draft agreement referred to in paragraph 1 to enter into force, and to implement it fully after its entry into force;

3. *Decides* that the expenses of the Extraordinary Chambers to be defrayed by the United Nations in accordance with the relevant provisions of the draft agreement shall be borne by voluntary contributions from the international community as indicated in paragraph 9 of General Assembly resolution 57/228, and appeals to the international community to provide assistance, including financial and personnel support to the Extraordinary Chambers;

4. *Requests* the Secretary-General to report to the General Assembly at its fifty-eighth session on the implementation of the present resolution.

[1] A/57/769.

Annex

Draft Agreement between the United Nations and the Royal Government of Cambodia concerning the Prosecution under Cambodian Law of Crimes Committed during the Period of Democratic Kampuchea

WHEREAS the General Assembly of the United Nations, in its resolution 57/228 of 18 December 2002, recalled that the serious violations of Cambodian and international humanitarian law during the period of Democratic Kampuchea from 1975 to 1979 continue to be matters of vitally important concern to the international community as a whole;

WHEREAS in the same resolution the General Assembly recognized the legitimate concern of the Government and the people of Cambodia in the pursuit of justice and national reconciliation, stability, peace and security;

WHEREAS the Cambodian authorities have requested assistance from the United Nations in bringing to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979;

WHEREAS prior to the negotiation of the present Agreement substantial progress had been made by the Secretary-General of the United Nations (hereinafter, "the Secretary-General") and the Royal Government of Cambodia towards the establishment, with international assistance, of Extraordinary Chambers within the existing court structure of Cambodia for the prosecution of crimes committed during the period of Democratic Kampuchea;

WHEREAS by its resolution 57/228, the General Assembly welcomed the promulgation of the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea and requested the Secretary-General to resume negotiations, without delay, to conclude an agreement with the Government, based on previous negotiations on the establishment of the Extraordinary Chambers consistent with the provisions of the said resolution, so that the Extraordinary Chambers may begin to function promptly;

WHEREAS the Secretary-General and the Royal Government of Cambodia have held negotiations on the establishment of the Extraordinary Chambers;

NOW THEREFORE the United Nations and the Royal Government of Cambodia have agreed as follows:

Article 1
Purpose

The purpose of the present Agreement is to regulate the cooperation between the United Nations and the Royal Government of Cambodia in bringing to trial senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international

humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979. The Agreement provides, inter alia, the legal basis and the principles and modalities for such cooperation.

Article 2
The Law on the Establishment of Extraordinary Chambers

1. The present Agreement recognizes that the Extraordinary Chambers have subject-matter jurisdiction consistent with that set forth in "the Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed During the Period of Democratic Kampuchea" (hereinafter: "the Law on the Establishment of the Extraordinary Chambers"), as adopted and amended by the Cambodian Legislature under the Constitution of Cambodia. The present Agreement further recognizes that the Extraordinary Chambers have personal jurisdiction over senior leaders of Democratic Kampuchea and those who were most responsible for the crimes referred to in Article 1 of the Agreement.

2. The present Agreement shall be implemented in Cambodia through the Law on the Establishment of the Extraordinary Chambers as adopted and amended. The Vienna Convention on the Law of Treaties, and in particular its Articles 26 and 27, applies to the Agreement.

3. In case amendments to the Law on the Establishment of the Extraordinary Chambers are deemed necessary, such amendments shall always be preceded by consultations between the parties.

Article 3
Judges

1. Cambodian judges, on the one hand, and judges appointed by the Supreme Council of the Magistracy upon nomination by the Secretary-General of the United Nations (hereinafter: "international judges"), on the other hand, shall serve in each of the two Extraordinary Chambers.

2. The composition of the Chambers shall be as follows:

a. The Trial Chamber: three Cambodian judges and two international judges;

b. The Supreme Court Chamber, which shall serve as both appellate chamber and final instance: four Cambodian judges and three international judges.

3. The judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to judicial offices. They shall be independent in the performance of their functions and shall not accept or seek instructions from any Government or any other source.

4. In the overall composition of the Chambers due account should be taken of the experience of the judges in criminal law, international law, including international humanitarian law and human rights law.

5. The Secretary-General of the United Nations undertakes to forward a list of not less than seven nominees for international judges from which the Supreme Council of the Magistracy shall appoint five to serve as judges in the two Chambers. Appointment of international judges by the Supreme Council of the Magistracy shall be made only from the list submitted by the Secretary-General.

6. In the event of a vacancy of an international judge, the Supreme Council of the Magistracy shall appoint another international judge from the same list.

7. The judges shall be appointed for the duration of the proceedings.

8. In addition to the international judges sitting in the Chambers and present at every stage of the proceedings, the President of a Chamber may, on a case-by-case basis, designate from the list of nominees submitted by the Secretary-General, one or more alternate judges to be present at each stage of the proceedings, and to replace an international judge if that judge is unable to continue sitting.

Article 4
Decision-making

1. The judges shall attempt to achieve unanimity in their decisions. If this is not possible. the following shall apply:

a. A decision by the Trial Chamber shall require the affirmative vote of at least four judges;

b. A decision by the Supreme Court Chamber shall require the affirmative vote of at least five judges.

2. When there is no unanimity, the decision of the Chamber shall contain the views of the majority and the minority.

Article 5
Investigating judges

1. There shall be one Cambodian and one international investigating judge serving as co-investigating judges. They shall be responsible for the conduct of investigations.

2. The co-investigating judges shall be persons of high moral character, impartiality and integrity who possess the qualifications required in their respective countries for appointment to such a judicial office.

3. The co-investigating judges shall be independent in the performance of their functions and shall not accept or seek instructions from any Government or any other source. It is understood, however, that the scope of the investigation is limited to senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979.

4. The co-investigating judges shall cooperate with a view to arriving at a common approach to the investigation. In case the co-investigating judges are

unable to agree whether to proceed with an investigation, the investigation shall proceed unless the judges or one of them requests within thirty days that the difference shall be settled in accordance with Article 7.

5. In addition to the list of nominees provided for in Article 3, paragraph 5, the Secretary-General shall submit a list of two nominees from which the Supreme Council of the Magistracy shall appoint one to serve as an international co-investigating judge, and one as a reserve international co-investigating judge.

6. In case there is a vacancy or a need to fill the post of the international co-investigating judge, the person appointed to fill this post must be the reserve international co-investigating judge.

7. The co-investigating judges shall be appointed for the duration of the proceedings.

Article 6
Prosecutors

1. There shall be one Cambodian prosecutor and one international prosecutor competent to appear in both Chambers, serving as co-prosecutors. They shall be responsible for the conduct of the prosecutions.

2. The co-prosecutors shall be of high moral character, and possess a high level of professional competence and extensive experience in the conduct of investigations and prosecutions of criminal cases.

3. The co-prosecutors shall be independent in the performance of their functions and shall not accept or seek instructions from any Government or any other source. It is understood, however, that the scope of the prosecution is limited to senior leaders of Democratic Kampuchea and those who were most responsible for the crimes and serious violations of Cambodian penal law, international humanitarian law and custom, and international conventions recognized by Cambodia, that were committed during the period from 17 April 1975 to 6 January 1979.

4. The co-prosecutors shall cooperate with a view to arriving at a common approach to the prosecution. In case the prosecutors are unable to agree whether to proceed with a prosecution, the prosecution shall proceed unless the prosecutors or one of them requests within thirty days that the difference shall be settled in accordance with Article 7.

5. The Secretary-General undertakes to forward a list of two nominees from which the Supreme Council of the Magistracy shall select one international co-prosecutor and one reserve international co-prosecutor.

6. In case there is a vacancy or a need to fill the post of the international co-prosecutor, the person appointed to fill this post must be the reserve international co-prosecutor.

7. The co-prosecutors shall be appointed for the duration of the proceedings.

8. Each co-prosecutor shall have one or more deputy prosecutors to assist him or her with prosecutions before the Chambers. Deputy international prosecutors shall be appointed by the international co-prosecutor from a list provided by the Secretary-General.

Article 7
Settlement of differences between the co-investigating judges or the co-prosecutors

1. In case the co-investigating judges or the co-prosecutors have made a request in accordance with Article 5, paragraph 4, or Article 6, paragraph 4, as the case may be, they shall submit written statements of facts and the reasons for their different positions to the Director of the Office of Administration.

2. The difference shall be settled forthwith by a Pre-Trial Chamber of five judges, three appointed by the Supreme Council of the Magistracy, with one as President, and two appointed by the Supreme Council of the Magistracy upon nomination by the Secretary-General. Article 3, paragraph 3, shall apply to the judges.

3. Upon receipt of the statements referred to in paragraph 1, the Director of the Office of Administration shall immediately convene the Pre-Trial Chamber and communicate the statements to its members.

4. A decision of the Pre-Trial Chamber, against which there is no appeal, requires the affirmative vote of at least four judges. The decision shall be communicated to the Director of the Office of Administration, who shall publish it and communicate it to the co-investigating judges or the co-prosecutors. They shall immediately proceed in accordance with the decision of the Chamber. If there is no majority, as required for a decision, the investigation or prosecution shall proceed.

Article 8
Office of Administration

1. There shall be an Office of Administration to service the Extraordinary Chambers, the Pre-Trial Chamber, the co-investigating judges and the Prosecutors' Office.

2. There shall be a Cambodian Director of this Office, who shall be appointed by the Royal Government of Cambodia. The Director shall be responsible for the overall management of the Office of Administration, except in matters that are subject to United Nations rules and procedures.

3. There shall be an international Deputy Director of the Office of Administration, who shall be appointed by the Secretary-General. The Deputy Director shall be responsible for the recruitment of all international staff and all administration of the international components of the Extraordinary Chambers, the Pre-Trial Chamber, the co-investigating judges, the Prosecutors' Office and the Office of Administration. The United Nations and the Royal Government of Cambodia agree that, when an international Deputy Director has been appointed by the Secretary-General, the assignment of that person to that position by the Royal Government of Cambodia shall take place forthwith.

4. The Director and the Deputy Director shall cooperate in order to ensure an effective and efficient functioning of the administration.

Article 9
Crimes falling within the jurisdiction of the Extraordinary Chambers

The subject-matter jurisdiction of the Extraordinary Chambers shall be the crime of genocide as defined in the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, crimes against humanity as defined in the 1998 Rome Statute of the International Criminal Court and grave breaches of the 1949 Geneva Conventions and such other crimes as defined in Chapter II of the Law on the Establishment of the Extraordinary Chambers as promulgated on 10 August 2001.

Article 10
Penalties

The maximum penalty for conviction for crimes falling within the jurisdiction of the Extraordinary Chambers shall be life imprisonment.

Article 11
Amnesty

1. The Royal Government of Cambodia shall not request an amnesty or pardon for any persons who may be investigated for or convicted of crimes referred to in the present Agreement.

2. This provision is based upon a declaration by the Royal Government of Cambodia that until now, with regard to matters covered in the law, there has been only one case, dated 14 September 1996, when a pardon was granted to only one person with regard to a 1979 conviction on the charge of genocide. The United Nations and the Royal Government of Cambodia agree that the scope of this pardon is a matter to be decided by the Extraordinary Chambers.

Article 12
Procedure

1. The procedure shall be in accordance with Cambodian law. Where Cambodian law does not deal with a particular matter, or where there is uncertainty regarding the interpretation or application of a relevant rule of Cambodian law, or where there is a question regarding the consistency of such a rule with international standards, guidance may also be sought in procedural rules established at the international level.

2. The Extraordinary Chambers shall exercise their jurisdiction in accordance with international standards of justice, fairness and due process of law, as set out in Articles 14 and 15 of the 1966 International Covenant on Civil and Political Rights, to which Cambodia is a party. In the interest of securing a fair and public hearing and credibility of the procedure, it is understood that representatives of Member States of the United Nations, of the Secretary-General, of the media and of national and international non-governmental organizations will at all times have access to the proceedings before the Extraordinary Chambers. Any exclusion from such

proceedings in accordance with the provisions of Article 14 of the Covenant shall only be to the extent strictly necessary in the opinion of the Chamber concerned and where publicity would prejudice the interests of justice.

Article 13
Rights of the accused

1. The rights of the accused enshrined in Articles 14 and 15 of the 1966 International Covenant on Civil and Political Rights shall be respected throughout the trial process. Such rights shall, in particular, include the right: to a fair and public hearing; to be presumed innocent until proved guilty; to engage a counsel of his or her choice; to have adequate time and facilities for the preparation of his or her defence; to have counsel provided if he or she does not have sufficient means to pay for it; and to examine or have examined the witnesses against him or her.

2. The United Nations and the Royal Government of Cambodia agree that the provisions on the right to defence counsel in the Law on the Establishment of Extraordinary Chambers mean that the accused has the right to engage counsel of his or her own choosing as guaranteed by the International Covenant on Civil and Political Rights.

Article 14
Premises

The Royal Government of Cambodia shall provide at its expense the premises for the co-investigating judges, the Prosecutors' Office, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration. It shall also provide for such utilities, facilities and other services necessary for their operation that may be mutually agreed upon by separate agreement between the United Nations and the Government.

Article 15
Cambodian personnel

Salaries and emoluments of Cambodian judges and other Cambodian personnel shall be defrayed by the Royal Government of Cambodia.

Article 16
International personnel

Salaries and emoluments of international judges, the international co-investigating judge, the international co-prosecutor and other personnel recruited by the United Nations shall be defrayed by the United Nations.

Article 17
Financial and other assistance of the United Nations

The United Nations shall be responsible for the following:

a. remuneration of the international judges, the international co-investigating judge, the international co-prosecutor, the Deputy Director of the Office of Administration and other international personnel;

b. costs for utilities and services as agreed separately between the United Nations and the Royal Government of Cambodia;

c. remuneration of defence counsel;

d. witnesses' travel from within Cambodia and from abroad;

e. safety and security arrangements as agreed separately between the United Nations and the Government;

f. such other limited assistance as may be necessary to ensure the smooth functioning of the investigation, the prosecution and the Extraordinary Chambers.

Article 18
Inviolability of archives and documents

The archives of the co-investigating judges, the co-prosecutors, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration, and in general all documents and materials made available, belonging to or used by them, wherever located in Cambodia and by whomsoever held, shall be inviolable for the duration of the proceedings.

Article 19
Privileges and immunities of international judges, the international co-investigating judge, the international co-prosecutor and the Deputy Director of the Office of Administration

1. The international judges, the international co-investigating judge, the international co-prosecutor and the Deputy Director of the Office of Administration, together with their families forming part of their household, shall enjoy the privileges and immunities, exemptions and facilities accorded to diplomatic agents in accordance with the 1961 Vienna Convention on Diplomatic Relations. They shall, in particular, enjoy:

a. personal inviolability, including immunity from arrest or detention;

b. immunity from criminal, civil and administrative jurisdiction in conformity with the Vienna Convention;

c. inviolability for all papers and documents;

d. exemption from immigration restrictions and alien registration;

e. the same immunities and facilities in respect of their personal baggage as are accorded to diplomatic agents.

2. The international judges, the international co-investigating judge, the international co-prosecutor and the Deputy Director of the Office of Administration shall enjoy exemption from taxation in Cambodia on their salaries, emoluments and allowances.

Article 20
Privileges and immunities of Cambodian and international personnel

1. Cambodian judges, the Cambodian co-investigating judge, the Cambodian co-prosecutor and other Cambodian personnel shall be accorded immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity under the present Agreement. Such immunity shall continue to be accorded after termination of employment with the co-investigating judges, the co-prosecutors, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration.

2. International personnel shall be accorded:

a. immunity from legal process in respect of words spoken or written and all acts performed by them in their official capacity under the present Agreement. Such immunity shall continue to be accorded after termination of employment with the co-investigating judges, the co-prosecutors, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration;

b. immunity from taxation on salaries, allowances and emoluments paid to them by the United Nations;

c. immunity from immigration restrictions;

d. the right to import free of duties and taxes, except for payment for services, their furniture and effects at the time of first taking up their official duties in Cambodia.

3. The United Nations and the Royal Government of Cambodia agree that the immunity granted by the Law on the Establishment of the Extraordinary Chambers in respect of words spoken or written and all acts performed by them in their official capacity under the present Agreement will apply also after the persons have left the service of the co-investigating judges, the co-prosecutors, the Extraordinary Chambers, the Pre-Trial Chamber and the Office of Administration.

Article 21
Counsel

1. The counsel of a suspect or an accused who has been admitted as such by the Extraordinary Chambers shall not be subjected by the Royal Government of Cambodia to any measure which may affect the free and independent exercise of his or her functions under the present Agreement.

2. In particular, the counsel shall be accorded:

a. immunity from personal arrest or detention and from seizure of personal baggage;

b. inviolability of all documents relating to the exercise of his or her functions as a counsel of a suspect or accused;

c. immunity from criminal or civil jurisdiction in respect of words spoken or written and acts performed by them in their official capacity as counsel. Such immunity shall continue to be accorded to them after termination of their functions as a counsel of a suspect or accused.

3. Any counsel, whether of Cambodian or non-Cambodian nationality, engaged by or assigned to a suspect or an accused shall, in the defence of his or her client, act in accordance with the present Agreement, the Cambodian Law on the Statutes of the Bar and recognized standards and ethics of the legal profession.

Article 22
Witnesses and experts

Witnesses and experts appearing on a summons or a request of the judges, the co-investigating judges, or the co-prosecutors shall not be prosecuted, detained or subjected to any other restriction on their liberty by the Cambodian authorities. They shall not be subjected by the authorities to any measure which may affect the free and independent exercise of their functions.

Article 23
Protection of victims and witnesses

The co-investigating judges, the co-prosecutors and the Extraordinary Chambers shall provide for the protection of victims and witnesses. Such protection measures shall include, but shall not be limited to, the conduct of in camera proceedings and the protection of the identity of a victim or witness.

Article 24
Security, safety and protection of persons referred to in the present Agreement

The Royal Government of Cambodia shall take all effective and adequate actions which may be required to ensure the security, safety and protection of persons referred to in the present Agreement. The United Nations and the Government agree that the Government is responsible for the security of all accused, irrespective of whether they appear voluntarily before the Extraordinary Chambers or whether they are under arrest.

Article 25
Obligation to assist the co-investigating judges, the co-prosecutors and the Extraordinary Chambers

The Royal Government of Cambodia shall comply without undue delay with any request for assistance by the co-investigating judges, the co-prosecutors and the Extraordinary Chambers or an order issued by any of them, including, but not limited to:

a. identification and location of persons;

b. service of documents;

c. arrest or detention of persons;

d. transfer of an indictee to the Extraordinary Chambers.

Article 26
Languages

1. The official language of the Extraordinary Chambers and the Pre-Trial Chamber is Khmer.

2. The official working languages of the Extraordinary Chambers and the Pre-Trial Chamber shall be Khmer, English and French.

3. Translations of public documents and interpretation at public hearings into Russian may be provided by the Royal Government of Cambodia at its discretion and expense on condition that such services do not hinder the proceedings before the Extraordinary Chambers.

Article 27
Practical arrangements

1. With a view to achieving efficiency and cost-effectiveness in the operation of the Extraordinary Chambers, a phased-in approach shall be adopted for their establishment in accordance with the chronological order of the legal process.

2. In the first phase of the operation of the Extraordinary Chambers, the judges, the co-investigating judges and the co-prosecutors will be appointed along with investigative and prosecutorial staff, and the process of investigations and prosecutions shall be initiated.

3. The trial process of those already in custody shall proceed simultaneously with the investigation of other persons responsible for crimes falling within the jurisdiction of the Extraordinary Chambers.

4. With the completion of the investigation of persons suspected of having committed the crimes falling within the jurisdiction of the Extraordinary Chambers, arrest warrants shall be issued and submitted to the Royal Government of Cambodia to effectuate the arrest.

5. With the arrest by the Royal Government of Cambodia of indicted persons situated in its territory, the Extraordinary Chambers shall be fully operational, provided that the judges of the Supreme Court Chamber shall serve when seized with a matter. The judges of the Pre-Trial Chamber shall serve only if and when their services are needed.

Article 28
Withdrawal of cooperation

Should the Royal Government of Cambodia change the structure or organization of the Extraordinary Chambers or otherwise cause them to function in a manner that does not conform with the terms of the present Agreement, the United Nations reserves the right to cease to provide assistance, financial or otherwise, pursuant to the present Agreement.

Article 29
Settlement of disputes

Any dispute between the Parties concerning the interpretation or application of the present Agreement shall be settled by negotiation, or by any other mutually agreed upon mode of settlement.

Article 30
Approval

To be binding on the parties, the present Agreement must be approved by the General Assembly of the United Nations and ratified by Cambodia. The Royal Government of Cambodia will make its best endeavours to obtain this ratification by the earliest possible date.

Article 31
Application within Cambodia

The present Agreement shall apply as law within the Kingdom of Cambodia following its ratification in accordance with the relevant provisions of the internal law of the Kingdom of Cambodia regarding competence to conclude treaties.

Article 32
Entry into force

The present Agreement shall enter into force on the day after both parties have notified each other in writing that the legal requirements for entry into force have been complied with.

Done at [place] on [day, month] 2003 in two copies in the English language.

For the United Nations | For the Royal Government of Cambodia

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Fifty-seventh session
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Security Council
Fifty-eighth year

The situation in the Middle East

Measures to eliminate international terrorism

Letter dated 6 May 2003 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

I am writing in order to draw your attention to the latest act of Palestinian terrorism perpetrated against the citizens of Israel.

On Monday, 6 May, shortly before 10 p.m. (local time), two Palestinian terrorists murdered a 27-year-old civilian, Gideon Lichterman, when they shot at the victim's vehicle as he drove north-east of the community of Shvut Rachel. Security forces found his bloodied vehicle riddled with 10 bullet holes. Lichterman's six-year-old daughter and a third passenger, aged 25, were critically injured in the attack, both sustaining gunshot wounds to the head. The assassins perpetrated the attack using an M-16 and a Kalashnikov rifle. The military wing of Yasser Arafat's Fatah movement claimed responsibility for the attack.

Last November, Esther Galia, a mother of seven, was shot and killed in a terrorist shooting in the same area.

Yesterday's attack coincided with the start of Israel's national Memorial Day, which remembers those who have lost their lives in defence of the State, and in the course of hostile attacks against its citizens.

In the wake of this memory, and our hopes for a real peace between the Israeli and Palestinian peoples, Israel calls upon the Palestinian leadership to take vigorous actions to reject the use and promotion of terrorist tactics. All efforts at peaceful reconciliation are doomed to failure without the permanent cessation of Palestinian terrorism as a fundamental precondition to the advancement of a process of negotiations, and the achievement of a just and sustainable peace.

We call on the Palestinian side to join us in our efforts to promote a secure and peaceful region, by eradicating inflammatory incitement from Palestinian religious, educational and political institutions, and by dismantling and de-legitimizing terrorist groups operating freely in its territory. The Palestinian leadership must also apprehend terrorists and their supporters and hold them accountable for their crimes,

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in accordance with international obligations, Security Council resolutions and its own signed agreements.

Israel calls upon the international community to reaffirm its absolute rejection of terrorist tactics and to use its authority to compel all regimes that sponsor and incite terrorism in the region to fulfil their responsibilities in accordance with international law and Security Council resolutions, in particular resolution 1373 (2001).

I submit this letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000, which document the criminal terrorist strategy for which the terrorists and their supporters must be held fully accountable.

I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-seventh session of the General Assembly, under agenda items 160 and 36, and of the Security Council.

(*Signed*) Dan **Gillerman**
Ambassador

United Nations A/57/808

General Assembly

Distr.: General
7 May 2003

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Fifty-seventh session
Agenda item 109 (b)
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Letter dated 5 May 2003 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to transmit herewith a statement by Sok An, Senior Minister and Minister in Charge of the Office of the Council of Ministers, Head of the Cambodian Government Task Force for Cooperation with Foreign Legal Experts and Preparation of the Proceedings for the Trial of Senior Khmer Rouge Leaders, to the States Members of the United Nations regarding the draft agreement on Khmer Rouge trials, dated 17 April 2003 (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 109 (b).

(*Signed*) **Ouch** Borith
Ambassador Extraordinary and Plenipotentiary
Permanent Representative

03-34935 (E) 090503

Annex to the letter dated 5 May 2003 from the Permanent Representative of Cambodia to the United Nations addressed to the Secretary-General

Statement by the Cambodian Government Task Force to the States Members of the United Nations regarding the Draft Agreement on Khmer Rouge trials

On 6 April 2003 the Secretary-General released his report to the General Assembly on Khmer Rouge trials (A/57/769, dated 31 March 2003), in accordance with the General Assembly Resolution 57/228 of 18 December 2002. The General Assembly will shortly consider the Draft Agreement initialled by both parties on 17 March 2003. The Cambodian Government wishes to take this opportunity to make clear its position on the Draft Agreement.

1) We welcome the Draft Agreement and see merit in the Cambodian approach as realised therein. A sovereign state has invited the international community to participate in its national court system, to bring justice in accordance with that state's obligations to prosecute under Article 6 of the Genocide Convention, and with international assistance and participation. As can be seen clearly from the Draft Agreement, every step will involve a joint effort between Cambodians and the international components, and will follow international standards of justice, specifically the International Covenant on Civil and Political Rights (ICCPR) Articles 14 and 15.

As a result of our common effort, and with the important support of the Member States, we have achieved a formula that we believe can help contribute to the development of international humanitarian law, as well as to legal and judicial reform in Cambodia. We understand the Draft Agreement to be fully in accordance with the General Assembly Resolution 57/228 of 18 December 2002, which *welcomed the Law establishing the Extraordinary Chambers* and requested the Secretary-General *to conclude an agreement with the Government of Cambodia, based on previous negotiations on the establishment of the Extraordinary Chambers consistent with the provisions of the present resolution, so that the Extraordinary Chambers may begin to function promptly.*

2) We have travelled a long road to achieve the final text of the Draft Agreement now being presented to the General Assembly. Today, 17 April 2003, we mark exactly 28 years since the Khmer Rouge came to power and the people of Cambodia began our nightmare.

It is now six years since the Cambodian request for UN assistance (June 1997), and we have concluded almost four years of complex and at times difficult negotiations (since August 1999). But we emphasise that we Cambodians have been seeking judicial accounting for the Khmer Rouge crimes for 24 years, and that for most of that time we were waiting for the international community to join us.

We place considerable importance on this Draft Agreement, seeing it as marking a very important milestone. Since 1979 we have been rebuilding our society from zero. We have been seeking to achieve truth, justice and reconciliation by utilising a range of means -- military, political, economic. Truth and reconciliation are already well advanced, and we have today achieved peace throughout the country for the first time in recent history. But we have yet to achieve justice. The Cambodian people deserve a proper judicial accounting and recognition by the international community of the crimes they endured.

The Council of Ministers on 28 March 2003 welcomed and approved the final text of the Draft Agreement and recommended it to the National Assembly for ratification, following its approval by the General Assembly and its formal signing. These steps will bring the draft into its status as an international treaty, which both parties are committed to implement in accordance with the 1969 Vienna Convention on the Law of Treaties. At the same time it will apply as law within the Kingdom of Cambodia.

3) We thank all countries and individuals that have encouraged and assisted this process over the past years, and we now appeal to you to translate such expressions of support into material terms in the following ways:

a) we ask you to approve the final text of the Draft Agreement now before the General Assembly;

b) we ask you to nominate judges and other personnel of the highest calibre, and to make monetary and in kind contributions, so as to ensure that the Extraordinary Chambers are established as soon as possible, and that they meet international standards.

4) We feel constrained to make some remarks on the tone and the content of the Secretary-General's report. We are surprised that the Secretary-General, while considering the Draft Agreement to be "a considerable improvement", has not expressed his welcome for the eventual finalisation of this text as the fruit of our common work, and the successful implementation of the mandate given him by the General Assembly in Resolution 57/228.

Nor does he recommend to the Member States to move forward to approve the Draft Agreement and to establish the Extraordinary Chambers. In fact, in his entire 20-page report the Secretary-General makes only a single recommendation - that the international judges, investigating judge and prosecutor should have "the status of UN officials for the purposes of their terms and conditions of service".

The report is pervaded by an overwhelmingly negative and pessimistic tone, and the Secretary-General repeatedly refers to "doubts" regarding the credibility of the Extraordinary Chambers, and scepticism as to the Cambodian Government's commitment to implementing the Agreement. Not once does he refer to the good faith or honest dealings of the Government throughout the negotiations, nor does he give any credit to securing the unanimous passage of the Law through the National Assembly and Senate.

The Secretary-General has chosen to devote most of his report to revisiting every step of the negotiations, apportioning blame to the Cambodian side for any delays and difficulties. At the same time, he takes this opportunity to make broad criticisms of the general situation of human rights in Cambodia and the weakness of the judiciary.

5) The Secretary-General takes as a leitmotif for his report what he refers to as the "precarious state of the judiciary". We ourselves are the first to be aware of the relative weakness of the Cambodian judiciary and legal system in the face of the challenges it faces -- weaknesses resulting above all from the blows inflicted on the entire Cambodian social fabric by the Khmer Rouge. Indeed, this was one of the principal reasons that we requested assistance from the UN in 1997.

But we need to ask whether the term "precarious" adequately portrays the actuality of the situation today in Cambodia. We would like to point to the significant historical realities we have faced as our state has been engaged in a constant process of renewal and renovation of a profound nature.

a) *legal framework* - we have a firm foundation in our Constitution, adopted in 1993, which includes a clear separation of powers, and recognises and respects human rights as stipulated in the United Nations Charter, the Universal Declaration of Human Rights, the covenants and conventions related to human rights, women's and children's rights. The Constitution accords every Khmer citizen the right to life, personal freedom and security, and it specifies that there shall be no capital punishment.

Following the adoption of this Constitution we have been engaged in large-scale re-working of the existing Civil Code and the Criminal Code, as well as the Law on Criminal Procedure, at the same time as developing important new and fundamental legislation, such as the Statute of the Magistracy and amendments to the Law on the Structure and Functioning of the Supreme Council of the Magistracy.

b) *human resources* - in 1979 when we began our process of rebuilding our country from zero, we had only seven people with legal training. Today we have about 200 judges, with a further 31 new appointees who have university qualifications, including some with master's degrees and PhDs. These judges are located in our three levels of courts, with courts of first instance operating in each of our 24 provinces. We have a fully functioning Ministry of Justice, a Bar Association of over 200 members, and close to 1,000 paralegal personnel.

Some idea of our progress can be seen from initiatives taken just in the past year. We established the Royal School of Magistracy, in partnership with the French National School of Magistracy (ENM) of Bordeaux, one of the most highly respected legal educational institutions in Europe. We have taken measures from within our national budget to increase the salaries of our current judges 10 to 20 fold, to help them resist pressures to seek a living wage outside the proper exercise of their judicial functions. The Supreme Council of the Magistracy has begun a process of inspection of all the courts, and regulation and discipline of the judges and judicial officials. Judges, prosecutors and senior police officers from the capital city and the provinces have been able to participate in a series of seminars and workshops on various aspects of the law, including international standards. And recently the Cambodian Bar Association opened its institute, which law graduates must attend before being admitted to the Bar as practising lawyers.

During the course of our negotiations, and especially during the two rounds of talks this year, we have made significant efforts to explain this situation and the improvements we are striving to implement, and we have invited the Deputy Secretary-General to come and see the functioning of the judiciary with his own eyes. Unfortunately, the Secretary-General in his report makes no reference to any progress having been made.

c) *concrete examples* illustrating improvements in the actual functioning of the judiciary can be seen in several recent and widely noted cases that are of some relevance to the Khmer Rouge trials.

Two major suspects for crimes committed under the period of Democratic Kampuchea are now in detention awaiting the establishment of the Extraordinary Chambers, having been indicted under the 2001 Law on the Establishment of the Extraordinary Chambers in the Courts of Cambodia for the Prosecution of Crimes Committed during the Period of Democratic Kampuchea.

Also, in 2002 the Cambodian judiciary convicted or upheld the convictions on appeal of three Khmer Rouge officers involved in the 1994 Kampot train attack, in which 13 Cambodians were killed and three western backpackers taken hostage and later executed. These decisions are another sign of the judiciary's resolve and capacity to tackle extremely sensitive cases. Within the context of national reconciliation, our judiciary is striving to apply principles of justice on a universal basis.

Our government continues to undertake legal and judicial reform, whose results are beginning to be seen. These reforms give us confidence that we have sufficiently qualified and competent legal professionals to play the roles required in the forthcoming Khmer Rouge trials together with their international counterparts. We wish to refute the notion that our judiciary ought not to be conferred an active and significant role in the process of seeking justice regarding the most serious crimes in our nation's history.

Let us stress that we have requested not only international assistance but also international participation in the trials, and we have agreed to share with the international community the heavy task of judging the serious crimes committed in our own country by our own people. No decision will be taken without their full involvement and agreement. But we believe that many Member States may well share Cambodia's perspective that international standards do not have to mean international control, which seems to be the view of the UN Secretariat.

6) Finally, we wish to make some observations on the financial aspects of the Secretary-General's report:

a) *Financial mechanism* (Paragraphs 72-78)
We note that the Secretary-General has concluded that funding should come through assessed contributions. At the same time we understand that Member States have various opinions as to which mechanism would be preferable, with some Member States clearly favouring voluntary contributions. During our negotiations in New York and Phnom Penh, Cambodia made it clear to the UN delegation that Cambodia does not wish to take a position as to whether the funding for the international component should come from either voluntary contributions or assessed contributions. In any event, Cambodia would certainly need some assistance to help support its share of the burden, and several countries have indicated to Cambodia that they are ready and willing to provide such direct assistance either on a bilateral or multilateral basis.

b) *Estimated requirements* (Paragraphs 56-71)
It is unclear as to whether the Secretary-General's estimates refer only to envisaged expenditure for the international component, or whether they are for the Extraordinary Chambers as a whole, including both national and international components. The Secretariat has not provided the Cambodian side with any

supplementary documentation or more detailed breakdown of figures that could elucidate the general estimates provided in the report. We feel the need to place on record at this stage that we fear that the estimates provided may not be sufficient, if intended to cover the entire operations of the Extraordinary Chambers. Some additional points below refer to specific areas of expenditure.

Premises (Paragraphs 64-65)
We are currently considering a number of options as outlined in the report. The Cambodian government repeats its readiness to make available land and/or buildings appropriate to the needs of the Extraordinary Chambers - for the sessions of the two levels of court; office accommodation for all personnel involved; as well as detention facilities for suspects and housing for witnesses. We do signal here that we hope to receive some outside support to assist in any renovation or construction that may be required to provide facilities of an appropriate standard.

Personnel (Paragraphs 57-63)
We need to discuss mechanisms to develop "esprit de corps" with the Extraordinary Chambers and to avoid a polarisation regarding conditions of work and remuneration. Some countries have indicated a willingness to provide funding support along with any international judges or other personnel they are asked to provide. It is hoped that some similar funding support can be provided to their Cambodian counterparts to reduce the gap between national and international components in the interests of establishing a homogeneous administration of justice.

7) In conclusion, now is the time to reflect on what we have achieved with the finalisation of the text of the Draft Agreement, and to turn our faces to the future with determination. We have before us the historic opportunity to approve an Agreement that can bring into being the Extraordinary Chambers, of a character that is not only the most appropriate for Cambodia today, but is also capable of meeting international standards of justice, fairness and due process of the law. In establishing this body we will be carrying out our obligations to the Cambodian people and to humanity as a whole.

As an expression of our firm commitment and support for the Extraordinary Chambers and for the mechanisms of involvement by the international community in all aspects of their work, the Royal Government of Cambodia has decided to co-sponsor the resolution to approve the text of the Agreement. We are pleased to commend this Draft Agreement to you, the Member States of the United Nations.

Sok An
Senior Minister and Minister in Charge of the Office of the Council of Ministers
Head of the Cambodian Government Task Force for Cooperation with Foreign Legal Experts and Preparation of the Proceedings for the Trial of Senior Khmer Rouge Leaders

Phnom Penh, 17 April 2003

United Nations A/57/809

General Assembly

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Fifty-seventh session
Agenda item 116
Pattern of conferences

Utilization of conference facilities and services at the United Nations Office at Nairobi

Report of the Secretary-General*

1. The present report is submitted in compliance with section II.A, paragraphs 7 and 8, of General Assembly resolution 57/283 B of 15 April 2003 and provides statistical information on the utilization of conference facilities and services at the United Nations Office at Nairobi (UNON) for the period 2000-2003. The 2003 figures are projections based partly on first quarter results and partly on planned activities. The figures provided in the tables for 2000, 2001 and 2002 at the end of the report are based on actual records of meetings and documents processed. They differ from the figures presented in earlier reports owing to two factors, namely, (a) improved ability to clarify types of meetings (including calendar and non-calendar meetings) and (b) increased accuracy of reporting based on electronic tools to track utilization of conference resources. The increasing demand for statistics since the Division of Conference Services/UNON became a member of the Department of General Assembly Affairs and Conference Services in September 2000 and the transfer of Governing Council meetings budgets of the United Nations Environment Programme/UN-Habitat in the biennium 2002-2003 to section 2 of the budget prompted improved methodology in tracking the allocation of resources to that area. The installation of the integrated Documents Control and Productivity Monitoring System (iDCPMS) in February 2002 has also enhanced record keeping capability, including the reliability of data.

Planning and coordination (Table 1)

2. Calendar meetings with interpretation showed fluctuation from the first year of the biennium to the second year, mainly because only one calendar meeting, the United Nations Environment Programme (UNEP), is held in the first year of each biennium, while two Governing Council meetings (UNEP and UN-Habitat) are held in the second year. The quarterly meetings of their Committees of Permanent

* The present report is a presentation of statistical information and as such has no summary and recommendations.

03-35389 (E) 120503

Representatives are held throughout the biennium. UN-Habitat intends to make the World Urban Forum a biennial occurrence and, being an intergovernmental body meeting, it may become a Governing Council event as from 2006, in which case it will increase the number of calendar meetings with interpretation. In the case of non-calendar meetings, a steady increase of 10 to 15 per cent is expected in the number of meetings with interpretation each year until the end of the biennium 2004-2005 before stabilizing. The Conference of the parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which was the largest meeting held in Nairobi in April 2000, influenced the interpretation figures reported that year.

Interpretation assignments (Table 2)

3. The number of assignments for calendar meetings fluctuates in the same manner indicated in paragraph 2, depending on how many Governing Council meetings are held each year. For non-calendar meetings there is a steady growth (around 10 to 11 per cent) since the establishment of a permanent Interpretation Service in Nairobi in 2001. The high figure recorded in 2000 may also be attributed to the CITES meeting held in Nairobi that year, which attracted an exceptionally large number of delegates (around 3,000).

Translation and editorial services (Table 3)

4. The significant increase in in-house translation from the period 2000-2001 to 2002 (17 per cent) was due to increased use of short-term staff, some of whom were hired for three to six months. That trend has been curtailed in view of its cost. The current management of the Division of Conference Services/UNON is making increasing use of contractual and remote translation, which are considerably more cost-effective. The translation output is expected to revert to the level reported for the period 2000-2001 as from the biennium 2004-2005.

Text processing (Table 4)

5. Text processing showed a stable trend and is expected to remain stable into the next biennium.

Printing and distribution (Table 5)

6. The printing figure reported for the period 2000-2001 tallies with previous reports, while those for the period 2002-2003 have been reviewed downwards in view of new technologies which allow for the electronic transmission of documents to meeting destinations for on-site reproduction. In the case of distribution, the trend is expected to decline after 2003, with increasing use of web sites for accessing meeting documents.

Division of Conference Services, United Nations Office at Nairobi

Statistical reporting for the period 2000 - 2003

Table 1 - Planning and coordination

	2000	2001	2002	2003
Calendar meetings				
With interpretation	21	68	30	58
Without interpretation				
Sub-total	**21**	**68**	**30**	**58**
Non-calendar meetings				
With interpretation	379	253	371	385
Without interpretation	617	1 111	751	1 018
Sub-total	**996**	**1 364**	**1 122**	**1 403**
Calendar and non-calendar meetings				
With interpretation	400	321	401	443
Without interpretation	617	1 111	751	1 018
Total	**1 017**	**1 432**	**1 152**	**1 461**

Table 2 – Interpretation

Number of assignments *				
Calendar meetings	232	1 131	611	1 212
Non-calendar meetings	1 911	1 635	1 898	1 950
Total	**2 143**	**2 766**	**2 509**	**3 162**

Table 3 - Translation and editorial services

(a) Translation *(words)*				
In-house	**4 624 772**	**4 806 798**	**8 204 042**	**6 103 725**
Contractual	1 831 434	3 963 930	1 432 283	3 872 807
Total	**6 456 206**	**8 770 728**	**9 636 325**	**9 976 532**
(b) Editing (words)	1 109 579	1 970 886	979 093	2 501 640

Table 4 - Text-processing (words)

In-house	5 734 351	6 777 685	9 183 134	8 605 364
Contractual	1 831 434	3 963 930	1 432 283	1 936 404
Total	**7 565 785**	**10 741 615**	**10 615 417**	**10 541 768**

Table 5 - Printing and distribution				
Reproduction (*thousands of pages*)**	**52 575**	**62 475**	**42 875**	**47 225**
Distribution (*thousands of pages*)***	**92 006**	**109 331**	**75 031**	**82 644**
* Includes freelance interpreters hired to complete the team.				
** Reproduction work done in Nairobi only.				
*** Includes distribution for meetings by UNEP Convention secretariats held outside Nairobi.				

United Nations A/57/810–S/2003/540

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Security Council

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General Assembly
Fifty-seventh session
Agenda items 36 and 160

Security Council
Fifty-eighth year

The situation in the Middle East

Measures to eliminate international terrorism

Letter dated 12 May 2003 from the Chargé d'affaires a.i. of the Permanent Mission of Israel to the United Nations addressed to the Secretary-General

I am writing to draw your attention to the latest act of Palestinian terrorism perpetrated against the citizens of Israel.

Early yesterday morning, 11 May, Palestinian gunmen opened fire on an Israeli vehicle travelling just north of Jerusalem. The driver, Zion David, was returning home to his family from morning prayers. Palestinian gunmen shot Mr. David in the head. As a result of this terrorist ambush, Mr. David was killed. Eyewitnesses reported that shots were fired from both sides of the road towards Mr. David's vehicle. The gunmen also fired at another Israeli vehicle but no one was injured.

Mr. David left a wife and six children. Palestinians wounded one of his children, Avraham, in a separate shooting attack in January 2001 near Atarot, north of Jerusalem.

The al-Aqsa Martyrs Brigade, which is aligned with Chairman Arafat's Fatah movement, and the Popular Front for the Liberation of Palestine claimed responsibility for the attacks.

Palestinian terrorists have also increased their indiscriminate rocket attacks on Israeli communities. Shortly after the ambush attack, Palestinian terrorists in the northern part of the Gaza Strip fired three Kassam rockets at the Negev town of Sderot. Two of these rockets landed in an open area, and the third rocket hit near the Sa'ad junction. On Friday 9 May, five Kassam rockets were fired at Sderot, resulting in a six-year-old girl suffering wounds to her hands.

These latest terrorist attacks are merely another attempt by Palestinian terrorists to target Israeli citizens. The continuing daily threat of Palestinian terrorism, deliberately aimed at the citizens of Israel, underscores the absolute necessity of Israel's preventive security measures.

03-35706 (E) 130503

Israel holds the Palestinian leadership fully responsible for its failure to suppress and ongoing support of the campaign of terrorism, which continues to endanger the lives of both the Israeli and the Palestinian peoples. The fight against terrorism must be absolute, uncompromising and unrelenting. The aim is not to allow merely for a temporary cessation of terrorist activity, which would enable terrorist organizations to regroup and gather force, but the complete dismantling of the terrorist infrastructure, the arrest and prosecution of all terrorist operatives, and the confiscation and destruction of all illegal weapons.

Only once terrorism and incitement are fully and finally rejected as an acceptable tactic can we advance to a process of negotiations, which are the only means of achieving a genuine and lasting peace between the Israeli and Palestinian peoples.

I submit the present letter in follow-up to numerous letters detailing the campaign of Palestinian terrorism that began in September 2000, which document the criminal terrorist strategy for which the terrorists and their supporters must be held fully accountable.

I should be grateful if you would arrange to have the text of the present letter circulated as a document of the fifty-seventh session of the General Assembly, under agenda items 36 and 160, and of the Security Council.

(*Signed*) Ambassador Aryc **Mekel**
Chargé d'affaires, a.i.

United Nations A/57/811

General Assembly

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Fifty-seventh session
Agenda item 132 (a)
Financing of the activities arising from Security Council resolution 687 (1991): United Nations Iraq-Kuwait Observation Mission

Financing of the United Nations Iraq-Kuwait Observation Mission for the period from 1 July 2003 to 30 June 2004

Note by the Secretary-General*

Summary

The present note contains a proposal for the interim financing of the United Nations Iraq-Kuwait Observation Mission for the four-month period from 1 July to 31 October 2003.

The actions to be taken by the General Assembly are set out in paragraph 5 of the present note.

* The present document is submitted to provide the General Assembly with supplementary information to that provided in document A/57/664 and Corr.1 on the financing of the United Nations Iraq-Kuwait Observation Mission.

03-35958 (E) 150503

1. The Secretary-General, in his report dated 31 March 2003 (S/2003/393 and Add.1), informed the Security Council of developments in the situation at the United Nations Iraq-Kuwait Observation Mission (UNIKOM) and recommended that UNIKOM be maintained for a further three months, subject to any further decision the Council may take regarding the continuation of the Mission. In his letter dated 3 April 2003 (S/2003/400), the President of the Council informed the Secretary-General that the members of the Council concurred with his recommendation that UNIKOM be maintained for a further three months, until 6 July 2003, by which date the Council would review the question once again. In June 2003 the Secretary-General will report on the status of UNIKOM and make a recommendation to the Council on the future of the Mission.

2. The proposed budget for UNIKOM for the period from 1 July 2003 to 30 June 2004 (A/57/664 and Corr.1) was submitted to the General Assembly in anticipation of the continuation of the Mission. However, the basis on which that budget was formulated is no longer relevant. In view of the circumstances prevailing in the region, the Advisory Committee on Administrative and Budgetary Questions decided to defer its report on UNIKOM and will revert to the matter when the situation is clarified (see A/57/772, para. 6).

3. Pending a decision of the Security Council on the future of UNIKOM, interim financing arrangements will be required for the four-month period from 1 July to 31 October 2003. During that period, and subject to the decision by the Council in July, a revised budget proposal for the period from 1 July 2003 to 30 June 2004 will be submitted to the General Assembly for review in the main part of its fifty-eighth session. On the basis of the current level of expenditures for UNIKOM, financial requirements for the four-month period from 1 July to 31 October 2003 are estimated at $12 million.

4. Accordingly, the Secretary-General is seeking an appropriation of $12 million for UNIKOM for the period from 1 July to 31 October 2003.

5. The General Assembly is therefore requested to decide:

(a) **To appropriate the amount of $12 million for the four-month period from 1 July to 31 October 2003, including $8 million, representing two thirds of the total amount to be funded, through voluntary contributions from the Government of Kuwait;**

(b) **To apportion among Member States the amount of $4 million for the period from 1 July to 31 October 2003.**